



# SCHOOL LAW BULLETIN

## INDEX 2004

## JANUARY — DECEMBER

	Month	Page		Month	Page
<b>14th Amendment</b>			Students and parents say school district has not met		
Michigan athletic association scheduling of girls' sports			desegregation obligations under plan, Little Rock		
violates 14th Amendment, Communities for Equity			School District (8th Cir.) .....	April	2
(6th Cir.) .....	Sept.	10			
Seattle public school assignment policy found to be			<b>Dress Code</b>		
unconstitutional .....	Sept.	10	Middle school student and NRA supporter claims		
			constitutional violation, Newsom (4th Cir.) .....	Feb.	4
<b>Accommodation</b>			<b>Drug Testing</b>		
Parents sue for First and 14th Amendment violations after			Pennsylvania's high court rejects the U.S. Supreme Court's		
rejecting accommodations, D.S. (PA) .....	June	25	approach to random drug testing, Theodore (PA) .....	Jan.	1
			<b>Drug Tests</b>		
<b>ADA</b>			Bus driver sues for discrimination and due process		
Custodian and bus driver alleges disability discrimination			violations after failing drug test, Rhoads (6th Cir.) .....	Sept.	10
when his contract is not renewed, Hubbard (3rd Cir.) ..	Jan.	7			
<b>Administrator Liability</b>			<b>Due Process</b>		
Teacher sues principal after being put on unpaid leave,			Elementary teacher accused of abuse and suspended: Says		
Searles (IL) .....	Aug.	10	her right to due process violated, Jefferson (6th Cir.) .....	May	25
<b>Athletics</b>			<b>Duty of Care</b>		
School denies cyber charter student access to			Parents claim school district tolerated gang activity on		
extracurricular activity for failing to meet requirements,			school premises, Rivera (5th Cir.) .....	Feb.	6
Angstadt (3rd Cir.) .....	Sept.	25			
<b>Charter Schools</b>			<b>Editor's Update</b>		
Court rules charters cannot sue for libel and slander,			Oklahoma schoolgirl may wear headscarf in school .....	June	25
Nampa Charter School Inc. (ID) .....	June	10			
<b>Charter Update</b>			<b>Education News</b>		
Charter news in brief .....	Sept.	25	Families in L.A. weren't notified of school choice		
U.S. Department of Education releases updated non-			options .....	Oct.	25
regulatory charter guidance .....	Sept.	25	Thomas B. Fordham Foundation approved to sponsor		
			charters .....	Oct.	25
<b>Desegregation</b>			Year-round schooling in Denver popular with students		
Formerly segregated private school wants order			and staff .....	Sept.	10
prohibiting assistance lifted, Moses (5th Cir.) .....	Sept.	25			
			<b>Education Update</b>		
			New state curriculum: Georgia Performance Standards .....	Aug.	25

**Publisher:** Dennis Hofmaier **Managing Editor:** Julie DiMauro, Esq. **Editor in Chief:** Heidi Taylor  
**Editors:** Annie Archambault, Carol Johnson Perkins, Esq., Lesley Rosenbloom, Esq., Elizabeth Purcell, Esq.,  
 Delora Skelton, Laura Starczewski, Esq., Colin A. Thakkar, Esq., Ryan Wood **Circulation Director:** Peter Pearsall

Published by

**QUINLAN PUBLISHING GROUP**  
 Agent for Quinlan Publishing Co.

**School Law Bulletin**

23 Drydock Ave., Boston, MA 02210-2387 (617) 542-0048 fax: (617) 345-9646  
 email: info@quinlan.com www.quinlan.com

ISSN 8755-8297 (print) ISSN 1544-5011 (online)

Copyright © 2004

	Month	Page		Month	Page
<b>Educational Funding</b>			<b>The right to a public education: Can a private school student take a math class in a public school, Hassberger (IL) .....</b>		
First Circuit says Maine can allow school districts to provide tuition to private schools, but not to private religious schools, Eulitt (1st Cir.) .....	Dec.	24 1		Jan.	4
<b>Employee Injury</b>			<b>First Amendment</b>		
Physical therapist hurts her back while helping students off bus, Daheiden (ID) .....	Feb.	7	Author sues under First Amendment after state board of education rejects textbook, Chiras (TX) .....	Oct.	10 7
School bus attendant injured by coworker's alleged faulty repairs to wheelchair lift, Taylor (FL) .....	Oct.	25 8	School suspends players from team when they ask coach to resign, Pinard (OR) .....	July	25 6
<b>Employment Issues</b>			Third circuit rules against parental notification in pledge case, Circle School (3rd Cir.) .....	Nov.	10 1
After teacher complains, district transfers principal then doesn't renew her contract, Howard (8th Cir.) .....	May	25 6	<b>Free Speech</b>		
Applicant says school board didn't hire her because she was white, Koszola (7th Cir.) .....	Dec.	10 1	Does parent have standing as taxpayer to bring action against school district?, Smith (CA) .....	Feb.	3
Board tells principal her two-year contract might not be renewed, Beischel (7th Cir.) .....	May	10 6	<b>From the Docket</b>		
Bus driver sues for defamation after school district suspends him for refusing to take drug test, Anderson (8th Cir.) .....	May	10 7	Boston's assignment system ruled constitutional .....	Aug.	25 8
Employee fails to show reasons for termination were pretexts for discrimination, Riggs (8th Cir.) .....	Dec.	10 3	California and ACLU settle education case .....	Sept.	25 7
Middle school students could pay for teacher's injuries, Mitchell (AZ) .....	June	10 3	Colorado Supreme Court rules vouchers are unconstitutional, Owens (CO) .....	Aug.	10 8
Ninth circuit finds district liable for retaliation of superintendent and assistant superintendent, Lytle (9th Cir.) .....	Nov.	10 6	Florida court finds vouchers unconstitutional .....	Oct.	25 4
Principal says he wasn't hired due to racial discrimination, Bonner (5th Cir.) .....	April	25 6	Ohio teacher union sues over charter school law .....	July	10 8
Prospect of future discharge not a constructive discharge, Cigan (7th Cir.) .....	Dec.	24 8	Retaliatory damage caps .....	Sept.	10 2
Remarks about interracial relationships result in teacher's termination, Loeffelman (MO) .....	April	25 7	Teacher sues over licensing exam scoring mistakes .....	Sept.	10 3
School board renews teacher contract, then superintendent recommends termination, Moulder (GA) .....	June	10 5	U.S. Supreme Court rules on tax credits that benefit religious schools, Hibbs (U.S. Supreme Ct.) .....	Aug.	10 8
Sixth circuit finds employment decision not based on race, Kinnard (6th Cir.) .....	Nov.	25 6	U.S. Supreme Court won't hear California pledge case .....	Oct.	10 8
Sixth circuit finds questions about a teacher's relationship with former student are constitutional, Flaskamp (6th Cir.) .....	Nov.	25 5	<b>Gender Discrimination</b>		
Teacher pleads guilty to domestic assault and battery for striking son, Board of Education of the Benton Harbor Area Schools (MI) .....	Sept.	25 6	School psychologist sues supervisors individually for insinuating she doesn't make the grade because she's a mom, Back (2nd Cir.) .....	Oct.	10 3
Teacher says schools didn't renew her contract due to her request for FMLA maternity leave, Walker (11th Cir.) .....	Oct.	25 4	<b>Heard Around Town</b>		
Teacher whose contract was not renewed claims she has the right to a contested case hearing, Roos (MT) .....	April	25 3	Denver teachers OK pay for performance plan .....	April	25 8
<b>Enrollment</b>			Massachusetts governor promises to kill charter moratorium .....	June	10 8
District refuses to enroll children, saying parent's residence was in another district, Katz (CA) .....	May	25 5	U.S. Department of Education outlines race-neutral diversity measures .....	May	25 8
<b>Equal Access Act</b>			U.S. Supreme Court examines constitutionality of 'under God' in schools .....	May	10 8
Gay straight alliance seeks permission to post fliers, make announcements, and meet on campus, Caudillo (TX) .....	April	25 4	What other states and districts are doing .....	March	1
<b>Equal Protection</b>			<b>Homeless Children</b>		
Mother files civil rights claim — Says son was subjected to racial epithets and derogatory comments, Priester (5th Cir.) .....	March	3	Before living in a shelter and foster care, kids stayed with mother in rented home: Who should bear the cost of their education?, Longwood (NY) .....	April	10 5
			<b>Immunity</b>		
			Student hit by school-owned car during shop class, Stringwell (MI) .....	Aug.	25 2
			<b>Letter from the Editor</b>		
			Chicago to close foundering schools — will open privately managed ones outside teachers union .....	Sept.	10 1
			Colorado kills voucher measure — State not alone in its wrangling .....	June	10 1
			First Circuit finds a school district's voluntary desegregation plan unconstitutional, Comfort (1st Cir.) .....	Dec.	10 4

	Month	Page		Month	Page
Muskogee following in France's footsteps? .....	May	10 1	<b>School Safety</b>		
NCLB 'highly qualified' provisions eased .....	April	10 8	Conflict managers .....	Nov.	25 7
NCLB update: School choice .....	July	10 1	Protecting your students' safety .....	Nov.	10 3
One state's answer to NCLB test requirements .....	May	25 1	<b>Sexual Assault</b>		
Sexual abuse in schools: Report estimates millions of children are affected .....	April	25 1	Are school and its officials liable for student-student sexual assault?, Doe (MA) .....	July	10 4
Student proficiency is subject to diverse interpretation ...	Feb.	1	<b>Special Education</b>		
Supreme Court pledge case: What the decision didn't say ..	July	25 1	Sixth circuit finds errors in state appeals board IDEA reimbursement decision, Kenton County School District (6th Cir.) .....	Nov.	25 1
Supreme Court upholds block on Child Online Protection Act .....	Aug.	10 1	Sixth Circuit upholds decision that took additional evidence into account, P.B. (6th Cir.) .....	Dec.	24 6
The Pledge of Allegiance in schools — We're still waiting .....	Jan.	8	Special ed teachers and students challenge new certification rules, Reid L. (7th Cir.) .....	April	10 1
Wisconsin Attorney General questions federal NCLB requirements .....	June	25 1	<b>Spotlight</b>		
<b>NCLB Update</b>			Making the arts a national priority, even in the face of AYP .....	Dec.	24 4
Some schools would just say no to NCLB funds .....	Oct.	10 1	NCLB update: Class size reduction effort .....	Aug.	25 1
<b>Private Schools</b>			Storm on the horizon? NEA calls NCLB underfunded, one-size-fits-all mandate — Bush administration begs to differ .....	March	7
Christian school says high school association policy burdens its free exercise of religion, Valley Christian School (MT) .....	May	25 2	<b>Standardized Testing</b>		
<b>Private Schools and IDEA</b>			High school students challenge Massachusetts Board of Education's tenth grade assessment exam, Student No. 9 (MA) .....	March	5
Parents who placed child in private religious school challenge IDEA's constitutionality, G.S. (1st Cir.) .....	Aug.	25 5	<b>Student Searches</b>		
<b>Qualified Immunity</b>			Eighth circuit rules random suspicionless searches violate Fourth Amendment, Doe (8th Cir.) .....	Nov.	10 8
Administrators sued after teacher accused of molesting students, Doe (6th Cir.) .....	May	10 2	<b>Supreme Court Spotlight</b>		
Eighth-grader dies after running into wall during open gym session, Pope (OH) .....	May	10 4	'Under God' remains in the Pledge after Justices rule father lacks standing, Elk Grove Unified School District (U.S. Supreme Ct.) .....	July	25 2
School board not liable when student is paralyzed in extracurricular activity, Murray (IL) .....	June	25 2	<b>Teacher Discipline</b>		
<b>Race Discrimination</b>			Did school retaliate in response to protected speech?, Smith (7th Cir.) .....	June	25 3
Black janitor denied night foreman position and later overlooked for supervisory role, Taylor (3rd Cir.) .....	March	2	Teacher files Title VII retaliation claim for student-student harassment, Hill (IL) .....	June	25 5
<b>Religion</b>			Was warning in retaliation for protected speech?, Lifton (IL) .....	July	10 5
Do Bible classes violate the First Amendment?, Doe (6th Cir.) .....	July	25 7	<b>Teacher Speech</b>		
Eleventh circuit upholds school's decision to edit religious murals on school walls, SHB (11th Cir.) .....	Nov.	25 3	Eighth circuit rules district cannot prohibit teacher from attending after-school religious club, Wigg (8th Cir.) .....	Nov.	10 5
Father says district's flyer policy violates Establishment Clause, Rusk (6th Cir.) .....	Oct.	25 1	Teacher says her contract was not renewed after she complained about administrator's spending decisions, Lander (10th Cir.) .....	Oct.	25 6
Mother challenges holiday displays in schools, Skoros (NY) .....	April	10 6	<b>Teacher Termination</b>		
Religious organization sues for right to use district's flyer forum, Child Evangelism Fellowship of Maryland Inc. (4th Cir.) .....	Aug.	10 2	Teacher who served as football coach was terminated for cause, without prior notice, Kelly (10th Cir.) .....	Feb.	2
Students say religious release program violates First Amendment, Pierce (2nd Cir.) .....	Oct.	10 5	<b>Title IX</b>		
Teacher complains when superintendent conducts prayers at mandatory meetings, Warnock (8th Cir.) .....	Oct.	25 2	Does knowledge of consensual sexual activity by teens equal knowledge of sexual harassment?, Winzer (6th Cir.) .....	Aug.	25 4
Third Circuit finds district's denial of access to religious group unconstitutional, Child Evangelism Fellowship of New Jersey Inc. (3rd Cir.) .....	Dec.	10 7			
<b>Residency</b>					
Parents own two homes, one located in the district: Can child attend tuition-free?, A.M. (IL) .....	June	10 7			

	Month	Page		Month	Page
Parent argues sexual abuse by teacher constitutes discrimination based on sex under Title IX, Bell (WV) .	Jan.	5	<b>You Be the Judge</b>		
Parents argue teacher and district liable for sexual abuse by coach, Doe (NV) .....	April	10 3	Are free speech rights violated when student is punished for not reciting pledge?, Holloman (11th Cir.) .....	July	25 3
Schools say scheduling girls' soccer out-of-season not a Title IX violation, McCormick (2nd Cir.) .....	July	10 2	Can school board hold meeting to dismiss superintendent?, Anderson (LA) .....	Aug.	10 6
			Do surveys violate the constitution?, C.N. (NJ) .....	July	10 8

